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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,916	01/25/2002	William Blyshak	8266-0744	3746

7590 12/19/2003

Intellectual Property Group
Bose McKinney & Evans LLP
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EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

10/056,916

Applicant(s)

BLYSHAK ET AL.

Examiner

Michael Trettel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-52 and 62-80 is/are allowed.
- 6) ☒ Claim(s) 53 is/are rejected.
- 7) ☒ Claim(s) 54-61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claim 53 is rejected under 35 U.S.C. 102(b) as being anticipated by Schnelle et al (4,589,642). Schnelle et al shows an operating table that is vertically adjustable in height through the use of a supporting column 12 that includes a lifting mechanism 18. The lifting mechanism 18 includes a pair of antiparallel mounted hydraulic cylinders 26, 28 mounted in bores 38 of a pair of mounting blocks 40. Each cylinder 26, 28 includes a respective piston rod 30, 32 mounted between the base 34 and supporting surface plate 22 of the table. Connecting passages 44, 46 are formed in the blocks 40 and are attached to a hydraulic conductor 48, with the lower end of cylinder 26 is attached hydraulically to the upper end of the cylinder 28 by means of the passages and conductor. Piston rod 30 of the cylinder 26 is formed as a tube with a connectors 62 and conductor 74 forming a passage for hydraulic fluid that is received by the piston ends of the cylinders such that the cylinders can be extended simultaneously. A connector 64, cylinder passage 66, conduit 68, and radial passage 70 form a hydraulic circuit for the bottom ends of the cylinders, by pumping hydraulic fluid into this circuit the cylinders can be simultaneously retracted. A pumping and control circuit is shown in Figures 8 and 9. The hydraulic circuit forms a fluid system that is coupled to each of the pistons, please note that there is nothing present with the claim to preclude having the fluid system integrated into the housing applicant's

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arguments to the contrary. In addition note that the connectors 62 and 64 provide fluid for the hydraulic passages within the blocks 40, and yet are external of the blocks. The connectors 62, 64 and the pumping and control circuit as shown in Figures 8 and 9 form a fluid system that operates the pistons which is mounted externally of the blocks 40.

Allowable Subject Matter

Claims 54 to 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 33 to 52 and 72 to 80 are allowed.

Response to Arguments

Applicant's arguments filed on November 3, 2003 with respect to claim 53 have been fully considered but they are not persuasive. The applicant's arguments depend upon claim 53 being interpreted in a particularly narrow way, and do not allow for the broadest reasonable interpretation of the claimed subject matter. Contrary to what the applicant has asserted, there is nothing present in claim 53 that states that the fluid system must be separate or distinct from the housing, and in any case the Knapp et al reference does show a fluid system that is distinct from the blocks that contain the hydraulic cylinders. Because of this the rejection has been repeated..

The remainder of the applicant's arguments have been carefully reviewed and are agreed with by the examiner. Therefore the remaining rejections over the prior art have been removed, and the claims previously rejected are now indicated as being allowable.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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Michael Trettel
Primary Examiner
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